

Yosina M. Lissebeck (State Bar No. 201654)

**DINSMORE & SHOHL LLP**

655 West Broadway, Suite 800

San Diego, CA 92101

Telephone: 619.400.0500

Facsimile: 619.400.0501

yosina.lissebeck@dinsmore.com

Matthew J. Stockl (State Bar No. 329366)

**DINSMORE & SHOHL LLP**

550 South Hope Street, Suite 1765

Los Angeles, CA 90071

Telephone: 213.335.7737

Facsimile: 213.335.7740

matthew.stockl@dinsmore.com

Proposed Counsel to the Chapter 7 Trustee,  
Richard A. Marshack

**UNITED STATES BANKRUPTCY COURT**

**CENTRAL DISTRICT OF CALIFORNIA**

**SANTA ANA DIVISION**

Kristina Lynn Smith,

Debtor.

Case No. 8:24-bk-12527-TA

Chapter 7

**DECLARATION OF MATTHEW J.  
STOCKL IN SUPPORT OF  
APPLICATION PURSUANT TO 11 U.S.C.  
SECTION 327(a) AUTHORIZING THE  
RETENTION AND EMPLOYMENT OF  
DINSMORE & SHOHL LLP AS  
GENERAL BANKRUPTCY COUNSEL  
FOR CHAPTER 7 TRUSTEE RICHARD  
A. MARSHACK**

Date: No Hearing Required

Time:

Ctrm: 5B

411 West Fourth Street

Santa Ana, California 92701-4593

Judge: Hon. Theodor C. Albert

1 I, Matthew J. Stockl, declare as follows:

2 1. I am an attorney duly licensed to practice before this Court and the courts of this  
3 State. I am an associate of the law firm Dinsmore & Shohl LLP (“Dinsmore” or the “Firm”),  
4 proposed general counsel for the chapter 7 trustee, Richard A. Marshack (the “Trustee”), trustee of  
5 the above-captioned debtor (the “Debtor”).

6 2. I submit this declaration (“Declaration”) in support of the Application Pursuant to  
7 11 U.S.C. Section 327(a) Authorizing the Retention and Employment of Dinsmore & Shohl LLP  
8 as General Bankruptcy Counsel for Chapter 7 Trustee Richard A. Marshack filed concurrently  
9 herewith (the “Application”).

10 3. The facts stated below are personally known to me, except for those matters based  
11 upon information and belief and as to those, I believe them to be true. If called as a witness, I  
12 could and would competently testify to the truth of such facts.

13 4. On or about October 3, 2024, the Debtor filed a voluntary petition for relief under  
14 chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court of the Central District of  
15 California (the “Court”).

16 5. On or about October 3, 2024, the Trustee was appointed trustee in the Case. The  
17 Trustee seeks to retain and employ Dinsmore as the Trustee’s general bankruptcy counsel in the  
18 Case effective October 23, 2024. This Application, and subsequent Order, controls the terms of  
19 engagement, there is no other engagement agreement between the parties. Costs are charged as  
20 identified in the chart attached hereto as Exhibit A.

21 6. To the best of my knowledge, information and belief, neither the Firm, nor any of  
22 its partners has any interest in the bankruptcy estate of the Debtor, except as otherwise set forth  
23 herein. Nor do any of its partners or associates represent any interest adverse to the Trustee or the  
24 bankruptcy estate in connection with the Case with respect to the matters for which the Firm is to  
25 be employed and appointed, except as otherwise set forth herein.

26 7. The Firm is a large, prestigious firm which has been serving United States  
27 communities since 1908 in some form. As is common in a large firm, representing hundreds of  
28 thousands of clients over the years, the Firm has represented clients who have or may have some

1 connection to parties involved in the Case. At my direction or the direction of other attorneys at  
2 the Firm, the Firm has performed a search in its computerized conflict resolution system for the  
3 Debtor, the creditors listed on the Debtor's Schedules on file in the Case, and other parties in  
4 interest as noted by the record in the Case. I or other attorneys at the Firm will supplement this  
5 Declaration with any necessary disclosures of further connections with creditors and other parties  
6 of interest in the Case from time to time as such information becomes available and as appropriate  
7 under the relevant circumstances, all in accordance with applicable law and rules.

8 8. Based upon my review of the results of the above-described inquiry and conflict  
9 check (and any and all knowledge I have apart from the results thereof) thus far, the Firm, to the  
10 best of my knowledge and belief, does not hold or represent any interest adverse to the Trustee,  
11 the Case, the Debtor's bankruptcy estate or in connection with the Case except as set forth below,  
12 and is a "disinterested person" as that term is defined in section 101(14) of the Bankruptcy Code.

13 9. Consistent with Bankruptcy Rule 2014, I have chosen to disclose the "connections"  
14 that the Firm may have to the Trustee, the Debtor, the bankruptcy estate, the known creditors or  
15 other parties in interest in the Case, any of their respective attorneys and accountants as described  
16 above, the United States Trustee or any employee of that office, and have adopted a broad  
17 definition of the word "connection." Subject to this Declaration, the connections identified  
18 through the described inquiry involve entities or persons that are clients of or former clients of the  
19 Firm, adverse parties to clients of the Firm, or otherwise involved parties, in each case in unrelated  
20 matters, all of which are discussed below:

21 a. **Connections with the Trustee.** I do not believe that presently the Firm is  
22 involved in any matter in which it is adverse to the Trustee in his role in the Case, or in any other  
23 matter. The Firm has and may in the future serve as counsel to the Trustee in his fiduciary  
24 capacity in other, unrelated cases; and in the future the Trustee or his law firm may represent one  
25 or more attorneys at the Firm who are serving as a trustee or other fiduciary in a matter. Like the  
26 Trustee, attorneys at the Firm are or may from time to time be members of the panel of Chapter 7  
27 Trustees for the Central District of California and/or serve as trustees in other cases before the  
28 Court. The Firm may in the future be involved in cases in which the Trustee or his affiliates (e.g.

1 his law firm) may be a creditor or retained by a party in interest. Attorneys at the Firm may have  
2 had matters adverse, or were otherwise involved, in cases in which the Trustee was involved in his  
3 fiduciary capacity or as a lawyer or advisor to a party in interest; such cases are unrelated to the  
4 Debtor's Case. Both myself and the others at Dinsmore have served as members, directors and/or  
5 officers of the California Bankruptcy Forum or other organizations and may do so in the future.  
6 The Trustee is or has been or may be a member, officer and/or director of some of these  
7 organizations. Attorneys at the Firm socialize with the Trustee from time to time. For conflicts of  
8 interest purposes, I do not believe the foregoing representations or involvement with the Trustee  
9 poses any conflict of interest or "disinterestedness" issues. These matters are unrelated to the  
10 Debtor, the Debtor's bankruptcy estate or other parties in the Case. These matters do not raise any  
11 conflict or disinterestedness issues; nevertheless, because Rule 2014 requests "connections," they  
12 are disclosed herein.

13                   **b. Connections with the Debtor.** None known.

14                   **c. Connections with Creditors and Parties in Interest:** Because of its size  
15 and its tenure in this community and throughout the country, it is inevitable that one or more  
16 creditors or parties in interest in the Case are or may be clients of the Firm. However, no creditor  
17 in the Case has retained the Firm, or is a Firm client, in this matter adverse to the Debtor, the  
18 bankruptcy estate or the Trustee in the Case. Each of the creditors or their affiliates listed on  
19 Exhibit "B" hereto, are or may be clients of the Firm, or may be adverse or otherwise involved in  
20 matters unrelated to the Case and unrelated to the Debtor, the bankruptcy estate, the Trustee or any  
21 other party in interest in the Case with respect to the Case, except as set forth herein. For conflicts  
22 of interest purposes, I believe these representations do not pose any conflict of interest. However,  
23 where a party in interest in the Case is a client of the Firm, the Firm shall not take any action  
24 directly adverse to such party on behalf of the Trustee, absent an executed written conflict waiver  
25 from such client and subsequent disclosure to this Court and parties in interest, if required. In no  
26 circumstances will the Firm represent these clients, or client related parties, adverse to the Debtor  
27 or the Trustee in the Case. The Trustee has agreed to the foregoing.

28                   In addition, with respect to the clients listed on Exhibit "B" and/or one or more of their

1 affiliates, the Firm may represent parties to which these clients and/or one or more of their  
2 affiliates are otherwise associated, in one or more matters unrelated to the Debtor, the Trustee, the  
3 bankruptcy estate, or the Case. The Firm may, from time to time, accept new cases from these  
4 clients and/or one or more of their affiliates unrelated to the Debtor, the Trustee with respect to the  
5 Case, the bankruptcy estate, or the Case. The Firm does not possess any material or confidential  
6 information related to these clients and/or their affiliates that prevents the Firm from representing  
7 the Trustee in the Case. For conflicts of interest purposes, I believe that none of these  
8 representations poses a conflict of interest issue. I believe no waiver of any potential conflict of  
9 interest from any of these clients and/or one or more of their affiliates is necessary as of this time.  
10 If at any point such a waiver is necessary, I expect that each affected entity and/or affiliates would  
11 execute any waiver as presented, or in the highly unlikely case that such a waiver is both required  
12 and not granted, it is anticipated that the Trustee will retain special counsel. As of this time, none  
13 of these matters raise any conflict or disinterestedness issues; nevertheless, because Rule 2014  
14 requires “connections,” they are disclosed herein.

15 **d. Connections with Other Counsel or Professionals in the Case.** Members  
16 of the Firm have been, are or may in the future be involved in other matters in which the Trustee,  
17 his law firm, or other professionals, as well as other professionals representing other parties in  
18 interest in the Case have been, are or may be involved. These connections have no impact on the  
19 Firm’s representation in the Case.

20 **e. United States Trustee and Judiciary.** I and other partners and attorneys  
21 of the Firm have had many cases with the Central District of California Offices of the United  
22 States Trustee over the years, and we know many people in these offices personally. One or more  
23 partners or other attorneys at the Firm may have worked in the office of the U.S. Trustee (but to  
24 my knowledge, not the Central District of California) before joining the Firm or may have or have  
25 had familial relationships with one or more of the attorneys in the Office of the U.S. Trustee,  
26 although as noted, to my knowledge, not within the Central District of California.

1 On or about July 1, 2017, the Hon. Peter W. Bowie, former Chief Judge for the United  
2 States Bankruptcy Court for the Southern District of California, joined Dinsmore as Of Counsel.

3 Attorneys at the Firm may have been, and from time to time may be, panelists on seminars  
4 that may include members of the Office of the United States Trustee or judges of the Court, and  
5 may attend seminars or meetings of organizations which are also attended by members of the  
6 Office of the United States Trustee or judges of the Court.

7 **f. Connections in Other Bankruptcy Cases.** Dinsmore has a long history of  
8 representing trustees, debtors, official creditor's committees, creditors and other parties in interest  
9 in bankruptcy cases. Because of the nature of the bankruptcy business community, it is common  
10 for the same party to appear as a creditor or contract party of more than one debtor. The creditors  
11 or parties in interest set forth on Exhibit "B" attached hereto and/or one or more of such creditors'  
12 or parties' in interest affiliates, as such affiliates were identified through the conflicts search  
13 described above, appear, at one time or another, to have surfaced as creditors (or as otherwise  
14 adverse) in one or more matters in which the Firm represented and/or currently represents a  
15 trustee, a debtor or a committee, and in which the Firm's representation would have been or is  
16 technically adverse to such parties. The Firm is involved or may be involved in several bankruptcy  
17 matters in which creditors, contract parties or other parties in interest and/or their affiliates  
18 (including as described above) are a creditor or a contract party or otherwise involved and the  
19 Firm has represented parties that are adverse to these entities and/or their affiliates in matters  
20 unrelated to the Debtor, the Trustee, the bankruptcy estate, or other parties in the Case.

21 **g. Adverse Representation in Non-Bankruptcy Cases.** Dinsmore has a long  
22 history of representing clients in litigation, transactions and other matters throughout the United  
23 States. Because of the nature of the business, it is not uncommon for creditors or adversaries of  
24 the Debtor or the bankruptcy estate to also be adversaries of unrelated Firm clients in unrelated  
25 matters. The Firm appears to have represented or represents one or more creditors or parties  
26 and/or one or more of such creditors' or parties' in interest affiliates, as such affiliates were  
27 identified through the conflicts search described above in one or more non-bankruptcy matters  
28 where such parties are adverse to one or more of the creditors or parties in interest as set forth on

1 Exhibit "B" attached hereto. Any such matters are unrelated to the Debtor, the Trustee with  
2 respect to the Case, the bankruptcy estate, or other parties in the Case. None of these matters raise  
3 any conflict or disinterestedness issues.

4 10. Subject to the Court's approval, the Firm will charge the Trustee and the  
5 bankruptcy estate for its legal services on an hourly basis and shall seek payment from the  
6 bankruptcy estate. Set forth in the Application are the hourly rates the Firm will charge for legal  
7 services of its professionals that will initially perform services in the Case. For other  
8 professionals, the rate will be the hourly rate generally in effect for the period during which the  
9 services are rendered. Because the fees are based on hourly rates and correspond to the experience  
10 and expertise of each individual, I believe that these rates, and the terms and conditions of the  
11 Firm's employment, are reasonable. These rates are subject to adjustment, historically on or about  
12 January 1 of each year.

13 11. In addition to the hourly rates set forth in the Application, the Firm customarily  
14 charges its clients for items of cost and expense incurred in our work on this matter. Items which  
15 will be charged separately include copying, messenger services, filing fees, postage and express  
16 services, long distance telephone calls, telecopying, computerized legal research, computer-  
17 assisted document preparation, support staff overtime when necessary, and similar items. Where  
18 appropriate, we may engage third-party providers to perform specific services. As with our hourly  
19 rates, the cost and expense schedule is generally updated on January 1 of each year. The current  
20 rates for these charges are attached hereto as Exhibit "A." Subject to the Bankruptcy Code,  
21 Bankruptcy Rules, any applicable fee guidelines and this Court's order(s), the Firm will be seeking  
22 reimbursement of charges incurred on behalf of the Trustee and the bankruptcy estate during the  
23 Case. The Firm understands that approval of the employment herein is not a per se approval of  
24 any such expense, and that all parties may respond to the Firm's charge of any expense at the time  
25 of a fee application containing such expense.

26 12. The Firm has neither shared nor agreed to share any of the compensation it receives  
27 from the Case with any person other than to share this compensation among its partners and  
28 employees.

1           13.     The Firm has not received a retainer in connection to its proposed representation of  
2 the Trustee.

3           14.     The Firm agrees not to accept compensation for services rendered in the Case  
4 except upon order of the Court.

5           15.     Based upon the foregoing, I believe that the Firm is eligible for employment and  
6 retention by the Trustee pursuant to the Bankruptcy Code and the applicable Bankruptcy Rules.

7           I declare under penalty of perjury under the laws of the United States, that the foregoing is  
8 true and correct, except for those matters stated upon the information and belief and as to those, I  
9 believe them to be true.

10                   Executed this 20th day of November, 2024, at Los Angeles, California.

11  
12                                   /s/ Matthew J. Stockl  
13                                   Matthew J. Stockl  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

EXHIBIT "A"

Cost Chart

***Disbursement Pricing***

<u>Disbursement</u>	<u>Cost</u>
Binding	\$2.00 each
Binding (Special Materials)	\$10.00 each
Cab Fares	Actual Cost
Courier Service	Actual Cost
Duplicating	\$0.15 per page
Duplicating (Color)	\$0.75 per page
Outside Duplicating	Invoice Cost
Lexis	Actual Cost
Library Research Services	Published Standard Cost
Long Distance Telephone	Actual Cost
Messenger Service	Actual Cost
Postage	Actual Cost
Search and Filing Fees	Actual Cost
Telephone (Credit Card Calls)	Actual Cost
Travel	Actual Cost
24/7 E-mail/Cell Phone Attorney Contact Charge	Actual Cost or not to exceed \$50.00 per month
Other External Costs or Advances	Actual Cost

# EXHIBIT "B"

## Connections to Parties In Interest<sup>1</sup>

Creditors and Parties In Interest (as listed on the Schedules)	Name/Similar Name of Dinsmore Connection	Former and/or Current Client (or Affiliate)	Adverse, Related or Involved in Unrelated Bankruptcy Cases	Adverse, Related or Involved in Unrelated Non-Bankruptcy Cases/Matters	Scheduled Amount <sup>2</sup>	Comments
United States Trustee (Central District of California)			X – PLUS relationship through professional organizations and seminars	X -- PLUS relationship through professional organizations and seminars		The Firm also is involved in other bankruptcy cases where other offices of the U.S. Trustee are involved.
Bank of America	Bank of America	X	X	X	\$16,790.00	
Bank of America	Bank of America	X	X	X	\$10,326.00	
Bank of America	Bank of America	X	X	X	\$10,169.00	
Progressive Insurance Co.	Progressive Insurance Company	X	X	X	\$239.00	

<sup>1</sup> Where an "X" is marked, it applies to one or more parties listed in the Name/Similar Name of Dinsmore Connection column. Items marked with an "X" refer to the relationship to the listed Dinsmore Connection.

<sup>2</sup> Unless otherwise noted, the scheduled claim is not listed as contingent, unliquidated or disputed. Claims may exist even where not scheduled. See comments as applicable.

Creditors and Parties In Interest (as listed on the Schedules)	Name/Similar Name of Dinsmore Connection	Former and/or Current Client (or Affiliate)	Adverse, Related or Involved in Unrelated Bankruptcy Cases	Adverse, Related or Involved in Unrelated Non- Bankruptcy Cases/Matters	Scheduled Amount <sup>2</sup>	Comments
Select Portfolio Services	Select Portfolio Servicing, Inc.	X	X	X		

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

Dinsmore & Shohl LLP  
550 S. Hope Street, Suite 1765  
Los Angeles, California 90071

A true and correct copy of the foregoing document entitled (*specify*): ***Declaration of Matthew J. Stockl in Support of Application Pursuant to 11 U.S.C. Section 327(a) Authorizing the Retention and Employment of Dinsmore & Shohl LLP as General Bankruptcy Counsel for Chapter 7 Trustee Richard A. Marshack*** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On November 21, 2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) November 21, 2024, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):**

Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on November 21, 2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 21, 2024     Katrice Ortiz  
Date                      Printed Name

/s/ Katrice Ortiz  
Signature

*In re Kristina Lynn Smith*  
Case No. 8:24-bk-12527-TA  
U.S.B.C., Central District of California  
Santa Ana Division

**I. TO BE SERVED VIA NOTICE OF ELECTRONIC FILING (NEF):**

- **Richard G. Heston** rheston@hestonlaw.com, yflores@hestonlaw.com, docs@hestonlaw.com, HestonRR41032@notify.bestcase.com, hestonlaw@recap.email
- **Richard A Marshack (TR)** pkraus@marshackhays.com, ecf.alert+Marshack@titlexi.com
- **United States Trustee (SA)** ustpreion16.sa.ecf@usdoj.gov
- **Julie J Villalobos** julie@oaktreelaw.com, oakecfmail@gmail.com; villalobosjr51108@notify.bestcase.com; gus@oaktreelaw.com
- **Jennifer C Wong** bknotice@mccarthyholthus.com, jwong@ecf.courtdrive.com

**II. SERVED BY UNITED STATES MAIL:**

**Debtor:**

Kristina Lynn Smith  
27591 Kathy Ct  
Laguna Niguel, CA 92677-6025

**United States Trustee (SA)**

411 W Fourth St., Suite 7160  
Santa Ana, CA 92701-4593

**III. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, OR EMAIL:**

**U.S. Bankruptcy Court:**

Honorable Theodor Albert  
United States Bankruptcy Court  
Central District of California  
Ronald Reagan Federal Building and Courthouse  
411 West Fourth Street, Suite 5085 / Courtroom 5B  
Santa Ana, CA 92701-4593